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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Nammo Talley, Inc.,) No. CV-11-1007-PHX-SMM
10 Plaintiff,)
11 v.) **ORDER**
12 Allstate Ins. Co. et al.,)
13 Defendants.)
14

15 Before the Court is the parties' Joint Proposed Briefing Schedule for First and Second
16 Summary Judgment Motions and Individual Proposals Regarding Third Summary Judgment
17 Motion. (Doc. 122.)

18 On January 31, 2014, the Court held a status conference and discussed departing from
19 the Court's presumptive limit of one motion for summary judgment per party. (Doc. 121.)
20 The Court agreed with the parties that more than one round of summary judgment motions
21 was the most efficient way to proceed, and directed the parties to jointly submit a proposed
22 briefing schedule. On February 24, 2014, the parties filed their proposed briefing schedule.
23 (Doc. 122.) The proposal contemplates that the first round of cross-motions concerning the
24 applicability of the pollution exclusions will be filed no later than March 21, 2014.¹ The
25 parties also agreed that the second round of motions, if any, should be filed no later than May
26 20, 2014.

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¹ The parties' proposed deadlines allow 30 days for responses and 15 days for replies
in accordance with Local Rule of Civil Procedure 56.1(d).

1 The parties were unable to agree, however, on a deadline for a possible third round
 2 of motions: Plaintiff proposes a July 7, 2014, deadline; Defendant Allstate proposes an
 3 August 12, 2014, deadline. Allstate seeks a longer deadline because its counsel is scheduled
 4 to begin a three-week trial out of state on July 7, 2014. Plaintiff notes that it has incurred and
 5 continues to incur significant costs due to the environmental liabilities that are the subject of
 6 this litigation. Plaintiff's position is that while there is some utility to staggering the motions
 7 for summary judgment, that utility diminishes as the proceedings increase in duration. While
 8 amenable to a four-month period for staggering summary judgment motions, Plaintiff
 9 contends utility is outweighed by unfairness at the five-month mark. The Court agrees with
 10 Plaintiff.

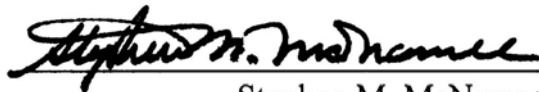
11 Accordingly,

12 **IT IS HEREBY ORDERED** setting the following briefing schedule:

- 13 1. The parties shall file their summary judgment motions regarding the
 14 applicability of the pollution exclusions no later than **Friday, March 21, 2014.**
- 15 2. In the event either party elects to file a second motion for summary judgment,
 16 it shall be filed no later than **Friday, May 23, 2014.**
- 17 3. In the event either party elects to file a third motion for summary judgment, it
 18 shall be filed no later than **Thursday, July 3, 2014.**

19 **IT IS FURTHER ORDERED** that the deadlines for responses and replies shall be
 20 determined according to Local Rule of Civil Procedure 56.1(d).

21 DATED this 10th day of March, 2014.

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24 Stephen M. McNamee
 25 Senior United States District Judge
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